

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

DANNY TOWNLEY,
Petitioner,
vs.
MAGGIE MILLER-STOUT,
Respondent.

NO. CV-07-012-FVS
ORDER DISMISSING PETITION

By Order filed January 16, 2007, the court advised Mr. Townley of the deficiencies of his habeas petition and directed him to amend within thirty (30) days (Ct. Rec. 5). Mr. Townley unsuccessfully appealed that Order to the Ninth Circuit Court of Appeals (Ct. Recs. 19 and 20). On May 22, 2009, the court granted Mr. Townley thirty (30) days to comply with the Order to Amend. Petitioner did not respond and he has filed nothing further in this action.

Therefore, for the reasons set forth in the Order Dismissing Action in Part and Directing Petitioner Danny Townley to Amend (Ct. Rec. 5), **IT IS ORDERED** the Petition is **DISMISSED without prejudice** for failure to exhaust state court remedies. *Rose v. Lundy*, 455 U.S. 509, 518-20 (1982).

IT IS SO ORDERED. The District Court Executive is directed to

ORDER DISMISSING PETITION -- 1

1 enter this Order, enter judgment, forward copies to Petitioner, and
2 close the file. The court further certifies that pursuant to 28
3 U.S.C. § 1915(a)(3), an appeal from this decision could not be taken
4 in good faith, and there is no basis upon which to issue a certificate
5 of appealability. 28 U.S.C. § 2253(c); Fed. R.App. P. 22(b).

6 **DATED** this 5th day of February 2010.

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s/ Fred Van Sickle
9 FRED VAN SICKLE
10 UNITED STATES DISTRICT JUDGE
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